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**By FOIA Online and Email**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW (2310A)  
Washington, DC 20460  
<https://www.foiaonline.gov>

Lou Ann Gross  
Chief, FOIA, Privacy and Litigation Support  
United States Environmental Protection Agency  
Region 4  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303-8960  
[gross.louann@epa.gov](mailto:gross.louann@epa.gov)  
(404) 562-9642

**FREEDOM OF INFORMATION ACT ("FOIA") REQUEST**

Dear Ms. Gross and National FOIA Officer:

I am submitting this request under the Freedom of Information Act, 5 U.S.C. § 552, and applicable Environmental Protection Agency ("EPA") regulations at 40 C.F.R. Part 2 ("FOIA"), on behalf of residents of Floyd County, Georgia who have been and continue to be adversely affected by contamination of their domestic water supplies with per- and polyfluoroalkyl substances ("PFAS"). The documents requested in this letter pertain in large part to EPA Region 4's investigations and analyses of PFAS contamination in and around the upstream Riverbend Wastewater Land Application System ("LAS") located in Dalton, Georgia, which is owned and operated by Dalton Utilities and the Water, Light, and Sinking Fund Commission of the City of Dalton, Georgia (collectively, "Dalton Utilities").

**REQUESTED DOCUMENTS**

As used herein, the terms "record" and "document" are used synonymously to include any medium upon which intelligence or information can be recorded or retrieved, and include, without limitation, the original and each copy, regardless of origin and location, of any correspondence,

whether interoffice or third-party, report, study, monitoring report, sampling and/or analytical result, email, notes, book, brochure, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, , report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet, or processing card, or any other written, recorded, electronic, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in the Agency's possession, custody, or control.

Specifically, this request includes the following documents:

1) All documents, including but not limited to, interoffice and third-party correspondence relating to EPA's civil enforcement action against Dalton Utilities pursuant to Section 309 of the federal Clean Water Act ("CWA"), 33 U.S.C. § 1319, Civil Action No. 4:98-cv-191-HLM, in the U.S. District Court for the Northern District of Georgia;

2) All documents, including but not limited to, interoffice and third-party correspondence relating to EPA Region 4's 2009-2010 review and analysis of PFAS contamination or pollution in and around Dalton Utilities' Riverbend LAS, including, but not limited to:

a. All documents relating to EPA's CWA Section 308 information request letter dated May 20, 2009 requesting that Dalton Utilities investigate the potential for PFAS/PFC contamination in and around the LAS, including, but not limited to, soil, groundwater, monitoring wells, effluent, sewage sludge, and surface waters;

b. All documents relating to EPA's CWA Section 308 information request letter dated October 6, 2009 requesting that Dalton Utilities monitor private drinking water wells, wastewater, sewage sludge, compost, wastewater at the LAS, and surface waters, and all documents relating to Dalton Utilities' industrial users PFC wastewater sampling project;

c. All documents relating to EPA's analysis of public water supply systems located in and downstream of Dalton and the LAS in March 2009, including those for Dalton, Rome, Calhoun, and Shannon, Georgia, as well as all documents relating to EPA's additional analysis of the Dalton and Rome public water supplies in January of 2010;

3) All documents, including but not limited to interoffice and third-party correspondence, relating to the public water sampling investigation, which was requested by EPA Region 4, as part of North Georgia Public Water Suppliers Perfluorinated Compounds Study, EPA Region 4, Science and Ecosystem Support Division (SESD), Project No. 90-0322);

4) All documents, including but not limited to interoffice and third-party correspondence, relating to EPA Region 4's 2012 "Conasauga River PFC Study," Science and Ecosystem Support Division (SESD), Project ID 12-0360;

5) All documents, including but not limited to interoffice and third-party correspondence, relating to EPA Region 4's 2016 "North Georgia Surface Water PFC Study," Science and Ecosystem Support Division (SESD), Project ID 16-0451.

6) All documents, including but not limited to, interoffice and third-party correspondence relating to EPA Region 4's 2019 "Assessment of Resuspended Sediments as a Source of PFAS to the Upper Coosa River Basin," Laboratory Services & Applied Science Division (LSASD), Project ID 19-0457.

This request is not meant to exclude any other documents that, although not specifically requested above, are reasonably related to the subject matter of this request. If you or your office have destroyed or determine to withhold any records that could be reasonably construed to be responsive to this request, I request that you please indicate this fact and the reasons therefore in your response.

Under the FOIA Improvement Act of 2016, agencies are prohibited from denying requests for information under FOIA unless the agency reasonably believes release of the information will harm an interest that is protected by the exemption. FOIA Improvement Act of 2016 (Public Law No. 114- 185), codified at 5 U.S.C. § 552(a)(8)(A). Should you decide to invoke a FOIA exemption, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes:

1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and
2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation.

In addition, if you determine that portions of the records requested are exempt from disclosure, please separate the non-exempt portions and mail them to my attention at the address below within the statutory time limit. 5 U.S.C. § 552(b).

#### **Format of Requested Records**

Under FOIA, responsive records shall be produced in a readily-accessible electronic format and in the format requested. *See, e.g.,* 5 U.S.C. § 552(a)(3)(B) ("In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format."). "Readily accessible" means text-searchable and OCR-formatted. *See* 5 U.S.C. § 552(a)(3)(B). Please provide all records in a readily-accessible, electronic .pdf format. Of course, if possible, I would greatly appreciate the inclusion of an index.

If you withhold or redact any responsive records, we request that you: (1) identify each such record with specificity (including type of record, subject matter, date, author, recipient, and parties copied); (2) fully explain the basis for withholding and the specific exemption claimed under FOIA; and (3) provide all segregable non-exempt portions of withheld or redacted records. 5 U.S.C. § 552(b).

**Record Delivery**

Please email or mail copies of the requested records to:

Stacy Snow  
Davis & Whitlock, P.A.  
21 Battery Park Avenue  
Asheville, NC 28801  
[ssnow@enviroattorney.com](mailto:ssnow@enviroattorney.com)  
(828)622-0044

We appreciate your assistance in providing the requested records and anticipate a reply within 20 days, as required by FOIA. 5 U.S.C. § 552(a)(6)(A)(i). If you find that this request is unclear, or if the responsive records are voluminous, please do not hesitate to contact me at (828) 622-0044 or at [jwhitlock@enviroattorney.com](mailto:jwhitlock@enviroattorney.com) to discuss the scope of this request. I am willing to pay fees for this request up to a maximum of \$250.00. Thank you in advance for your prompt attention to this request.

Sincerely,



James S. Whitlock